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14 Qunnita Langston

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 Qunnita Langston,

18 Plaintiff,

19 vs.

20 American First Finance Inc.,

21 Defendant.
22

Case No.:

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

- 23 **1. THE TELEPHONE CONSUMER**
- 24 **PROTECTION ACT;**
- 25 **2. THE ROSENTHAL FAIR DEBT**
- 26 **COLLECTION PRACTICES ACT**

JURY TRIAL DEMANDED
27
28

1 Plaintiff, Qunnita Langston (hereafter “Plaintiff”), by undersigned counsel,
2 brings the following complaint against American First Finance Inc. (hereafter
3 “Defendant”) and alleges as follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the
7 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”), and repeated
8 violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788,
9 *et seq.* (“Rosenthal Act”).
10
11

12 2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), Cal. Civ.
13 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
14

15 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
16 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
17 where Defendant transacts business in this district.
18

19 **PARTIES**

20 4. Plaintiff is an adult individual residing in Pittsburg, California, and is a
21 “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
22

23 5. Plaintiff is a “debtor” as defined by Cal. Civ. Code § 1788.2(h).

24 6. Defendant is a business entity located in Wichita, Kansas, and is a
25 “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
26 1788.2(g).
27
28

1 7. Defendant, in the ordinary course of business, regularly, on behalf of
2 itself or others, engages in the collection of consumer debts, and is a “debt collector”
3 as defined by Cal. Civ. Code § 1788.2(c).
4

5
6 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

7 8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
8 be owed to Defendant.
9

10 9. Plaintiff’s alleged obligation arises from a transaction in which property,
11 services or money was acquired on credit primarily for personal, family or household
12 purposes and is a “consumer debt” as defined by Cal. Civ. Code § 1788.2(f).
13

14 10. At all times mentioned herein where Defendant communicated with any
15 person via telephone, such communication was done via Defendant’s agent,
16 representative or employee.
17

18 11. At all times mentioned herein, Plaintiff utilized a cellular telephone
19 service and was assigned the following telephone number: 925-XXX-9865 (hereafter
20 “Number”).
21

22 12. Defendant placed calls to Plaintiff’s Number in an attempt to collect a
23 debt.
24

25 13. The aforementioned calls were placed using an automatic telephone
26 dialing system (“ATDS”) and/or by using an artificial or prerecorded voice
27 (“Robocalls”).
28

1 14. When answering the calls from Defendant, Plaintiff was met with several
2 seconds of silence before Defendant's automated system connected Plaintiff to a live
3 agent.
4

5 15. On or about June 30, 2017, during a live conversation with Defendant,
6 Plaintiff demanded that the calls to her Number cease.
7

8 16. Defendant, in response, informed Plaintiff that the calls would continue.

9 17. Despite Plaintiff's unequivocal request that Defendant cease calling,
10 Defendant continued to call Plaintiff's Number at an excessive and harassing rate.
11

12 18. Defendant's calls directly and substantially interfered with Plaintiff's
13 right to peacefully enjoy a service that Plaintiff paid for and caused Plaintiff to suffer
14 a significant amount of anxiety, frustration and annoyance
15

16
17 **COUNT I**

18 **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT, 47**
19 **U.S.C. § 227, et seq.**

20 19. Plaintiff incorporates by reference all of the above paragraphs of this
21 complaint as though fully stated herein.
22

23 20. The TCPA prohibits Defendant from using, other than for emergency
24 purposes, an ATDS and/or Robocalls when calling Plaintiff's Number absent
25 Plaintiff's prior express consent to do so. *See* 47 U.S.C. § 227(b)(1).
26
27
28

22. Defendant called Plaintiff's Number using an ATDS without Plaintiff's consent in that Defendant either never had Plaintiff's prior express consent to do so or such consent was effectively revoked when Plaintiff requested that Defendant cease all further calls.

24. Plaintiff was harmed and suffered damages as a result of Defendant's actions.

26. As a result of each call made in violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages.

27. As a result of each call made knowingly and/or willingly in violation of the TCPA, Plaintiff may be entitled to an award of treble damages.

VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT, Cal. Civ. Code § 1788, et seq.

29. The Rosenthal Act was passed to prohibit debt collectors from engaging in unfair and deceptive acts and practices in the collection of consumer debts.

31. Defendant communicated with Plaintiff with such frequency as to be unreasonable, constituting harassment, in violation of Cal. Civ. Code § 1788.11(e).

32. Plaintiff was harmed and is entitled to damages as a result of Defendant's violations.

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- ## COMPLAINT FOR DAMAGES

1 E. Costs of litigation and reasonable attorneys' fees pursuant to Cal. Civ.

2 Code § 1788.30(c);

3
4 F. Punitive damages; and

5 G. Such other and further relief as may be just and proper.

6
7 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

8
9
10 DATED: November 10, 2017

TRINETTE G. KENT

11 By: /s/ Trinette G. Kent

12 Trinette G. Kent, Esq.

13 Lemberg Law, LLC

14 Attorney for Plaintiff, Qunnita Langston